

15 APR 1976

DD/A Registry
File *Legal*

MEMORANDUM FOR: Director of Central Intelligence

FROM: John F. Blake
Deputy Director for Administration

SUBJECT: Actions to Implement Executive Order 11905

1. The attached tabs A through J represent ten actions fully coordinated within the Agency that require your approval to implement the major provisions of the Executive Order relating to CIA. These tabs are:

A. A revision to the regulation reciting the mission and responsibilities of the Central Intelligence Agency to incorporate those provisions of the Executive Order that further amplify the duties and responsibilities of CIA.

B. A revision to the Agency regulation relating to the Office of the Director to include the additional duties of the Director as recited in the Executive Order.

C. A revision to the Agency regulation relating to the Inspector General to incorporate the reporting responsibilities and additional authorities assigned by the Executive Order to Inspectors General in the Intelligence Community.

D. A proposed Headquarters notice for your signature to inform Agency employees of the increased responsibilities and authorities of the Inspector General by reason of the Executive Order.

E. A revision to the Agency regulation relating to the Office of General Counsel to incorporate the reporting responsibilities and additional authorities assigned by the Executive Order to General Counsels in the Intelligence Community.

F. A proposed Headquarters notice for your signature to inform Agency employees of the reporting requirements

and increased responsibilities and authorities of the Office of General Counsel by reason of the Executive Order.

G. A memorandum for your signature for distribution to all employees relating to the establishment and responsibilities of the Intelligence Oversight Board.

H. A Headquarters notice to inform employees of Executive Order provisions relating to unauthorized disclosures or the threat of unauthorized disclosures of intelligence sources and methods and the procedures for reporting such disclosures.

I. A revision to the Headquarters regulation on detailed personnel to exclude from the category of detailees those assigned to other government agencies for cover purposes only.

J. A Headquarters regulation that incorporates the restrictions on intelligence activities recited in the Executive Order (including certain of the clarifying annotations issued by the White House); the procedures issued by the Attorney General relating to electronic surveillance, unconsented physical searches, and counterintelligence activities of the CIA; and those portions of the existing CIA regulation implementing the provisions of the Rockefeller Commission report that were endorsed by the President, as well as other restrictions on CIA activities imposed by the DCI during the period August 1973 through June 1974. In addition, your policies concerning CIA's relationship with correspondents and representatives of the public media and clergymen and missionaries have been codified in the last two paragraphs of this regulation (page 13). Certain provisions of the existing regulation based on the Rockefeller Commission report were replaced by provisions of the Executive Order treating with the same subject. Provisions of the existing regulation not treated by the Executive Order have been retained.

2. Other actions required by the Executive Order that impact on specific components of the Agency or on CIA's relations with the Intelligence Community will be forwarded separately.

3. Tabs D, F, and G have been prepared for your signature if you approve the action recommended. Tab K lists the other actions recommended for your approval.

/s/John E. Blake
John F. Blake

Chrono. Subject

TAB

Throug hout
Folder

1. THE CENTRAL INTELLIGENCE AGENCY

- a. AUTHORITY. The Central Intelligence Agency was established by, and functions under the National Security Council by authority of, the National Security Act of 1947, as amended (50 U.S.C. 401-403); the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a-j); and other pertinent legislation.

b. MISSION AND RESPONSIBILITIES

- (1) The mission of the Central Intelligence Agency is prescribed by section 102(d) of the National Security Act of 1947, as follows:

"(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council-

(a) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(b) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(c) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: Provided, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: Provided further, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: And provided further, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(d) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(e) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

(2) All duties and responsibilities of the Central Intelligence Agency shall be related to the foreign intelligence functions outlined in Executive Order 11905 of 18 February 1976 which provides that the Central Intelligence Agency shall (provisions of the Executive Order are quoted in this regulation in italics):

- (a) *Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, sociological, and geographic intelligence, to meet the needs of the President, the National Security Council, and other elements of the United States Government.*
- (b) *Develop and conduct programs to collect political, economic, scientific, technical, military, geographic, and sociological information, not otherwise obtainable, relating to foreign intelligence, in accordance with directives of the National Security Council.*
- (c) *Collect and produce intelligence on foreign aspects of international terrorist activities and traffic in narcotics.*
- (d) *Conduct foreign counterintelligence activities outside the United States and when in the United States in coordination with the FBI subject to the approval of the Attorney General. (Attorney General procedures are specified in HR ☐)*
- (e) *Carry out such other special activities in support of national foreign policy objectives as may be directed by the President or the National Security Council and which are within the limits of applicable law.*
- (f) *Conduct, for the Intelligence Community, services of common concern as directed by the National Security Council, such as monitoring of foreign public radio and television broadcasts and foreign press services, collection of foreign intelligence information from cooperating sources in the United States, acquisition and translation of foreign publications, and photographic interpretation.*
- (g) *Carry out or contract for research, development, and procurement of technical systems and devices relating to the functions authorized in this paragraph.*

- (h) *Protect the security of its installations, activities, information, and personnel. In order to maintain this security, the CIA shall conduct such investigations of applicants, employees, and other persons with similar associations with the CIA as are necessary.*
 - (i) *Conduct administrative, technical, and support activities in the United States or abroad as may be necessary to perform the functions described in subparagraphs (a) through (h) above, including procurement, maintenance, and transport; communications and data processing; recruitment and training; the provision of personnel, financial, and medical services; development of essential cover and proprietary arrangements; entering into contracts and arrangements with appropriate private companies and institutions to provide classified or unclassified research, analytical and developmental services, and specialized expertise; and entering into similar arrangements with academic institutions, provided CIA sponsorship is known to the appropriate senior officials of the academic institutions and to senior project officials.*
- (3) For the purposes of subparagraph (2) above, the following terms are defined by Executive Order 11905 as follows:
- (a) *Intelligence means (1) foreign intelligence which means information, other than foreign counterintelligence, on the capabilities, intentions and activities of foreign powers, organizations or their agents; and (2) foreign counterintelligence which means activities conducted to protect the United States and United States citizens from foreign espionage, sabotage, subversion, assassination or terrorism.*
 - (b) *Intelligence community refers to (1) the Central Intelligence Agency, (2) the National Security Agency, (3) the Defense Intelligence Agency, (4) special offices within the Department of Defense for the collection of specialized intelligence through reconnaissance programs, (5) intelligence elements of the military services, (6) the intelligence element of the Federal Bureau of Investigation, (7) the intelligence element of the Department of State, (8) the intelligence element of the Department of the Treasury, and (9) the intelligence element of the Energy Resources and Development Administration.*

- (c) Special activities in support of national foreign policy objectives means activities, other than the collection and production of intelligence and related support functions, designed to further official United States programs and policies abroad which are planned and executed so that the role of the United States Government is not apparent or publicly acknowledged.
- c. ORGANIZATION. The organization of the Central Intelligence Agency and its components, with the distribution of functional responsibilities to each Deputy Director of the Agency as prescribed by the Director, is set forth in Agency regulations which are the governing directives for Agency management.

2. OFFICE OF THE DIRECTOR

a. THE DIRECTOR

- (1) The Director of Central Intelligence is the President's principal foreign intelligence adviser, leader of the Intelligence Community, and head of the Central Intelligence Agency. He is responsible for executing the responsibilities of the Central Intelligence Agency and those of his position, as they are prescribed by the National Security Act, National Security Council Intelligence Directives, the Central Intelligence Agency Act, other legislation, and by Presidential directives.
- (2) Executive Order 11905, dated 18 February 1976, provides that the Director of Central Intelligence shall (provisions of the Executive Order are quoted in this regulation in italics):
 - (a) *Chair the Committee on Foreign Intelligence (CFI).*
 - (b) *Act as executive head of the CIA and Intelligence Community Staff.*
 - (c) *Ensure the development and submission of a budget for the National Foreign Intelligence Program to the CFI. National Foreign Intelligence Program means the programs of the Central Intelligence Agency and the special offices within the Department of Defense for the collection of specialized intelligence through reconnaissance programs, the Consolidated Cryptologic Program, and those elements of the General Defense Intelligence Program and other programs of the departments and agencies, not including tactical intelligence, designated by the Committee on Foreign Intelligence as part of the Program.*
 - (d) *Act as the President's primary adviser on foreign intelligence and provide him and other officials in the Executive branch with foreign intelligence, including National Intelligence Estimates; develop national intelligence requirements and priorities; and supervise production and dissemination of national intelligence.*
 - (e) *Ensure appropriate implementation of special activities in support of national foreign policy objectives (as defined in HR)*

STATINTL

STATINTL

- (f) Establish procedures to ensure the propriety of requests, and responses thereto, from the White House Staff or other Executive departments and agencies to the Intelligence Community (as identified in HR)
- (g) Ensure that appropriate programs are developed which properly protect intelligence sources, methods and analytical procedures. His responsibility within the United States shall be limited to:
 - (1) Protection by lawful means against disclosure by present or former employees of the Central Intelligence Agency or persons, or employees of persons or organizations, presently or formerly under contract with the Central Intelligence Agency.
 - (2) Providing leadership, guidance and technical assistance to other government departments and agencies performing foreign intelligence activities.
 - (3) In cases involving serious or continuing security violations, recommending to the Attorney General that the case be referred to the Federal Bureau of Investigation for further investigation.
- (h) Establish a vigorous program to downgrade and declassify foreign intelligence information as appropriate and consistent with Executive Order No. 11652.
- (i) Ensure the existence of strong Inspector General capabilities in all elements of the Intelligence Community and that each Inspector General submits quarterly to the Intelligence Oversight Board a report which sets forth any questionable activities in which that intelligence organization has engaged or is engaged.
- (j) Ensure the establishment, by the Intelligence Community, of common security standards for managing and handling foreign intelligence systems, information and products, and for granting access thereto.
- (k) Act as the principal spokesman to the Congress for the Intelligence Community and facilitate the use of foreign intelligence products by Congress.
- (1) Promote the development and maintenance by the Central Intelligence Agency of services of common concern to the Intelligence Community organizations, including multi-discipline analysis, national level intelligence products, and a national level current intelligence publication.

- (m) *Establish uniform criteria for the identification, selection, and designation of relative priorities for the transmission of critical intelligence, and provide the Secretary of Defense with continuing guidance as to the communications requirements of the Intelligence Community for the transmission of such intelligence.*
- (n) *Establish such committees of collectors, producers and users of intelligence to assist in his conduct of his responsibilities as he deems appropriate.*
- (o) *Consult with users and producers of intelligence, including the Departments of State, Treasury, and Defense, the military services, the Federal Bureau of Investigation, the Energy Research and Development Administration, and the Council of Economic Advisors, to ensure the timeliness, relevancy and quality of the intelligence product.*
- (p) *Report periodically to the Oversight Board on any activities of his organization that raise questions of legality or propriety.*
- (q) *Instruct his employees to cooperate fully with the Oversight Board.*
- (r) *Ensure that the Inspector General and General Counsel have access to any information necessary to perform their duties.*

ORGANIZATION

HR

3. INDEPENDENT OFFICES

a. OFFICE OF THE INSPECTOR GENERAL

(1) THE INSPECTOR GENERAL. The Inspector General is charged with directing and coordinating the activities of the Inspection Staff and the Audit Staff in conducting special investigations, inspections of organizational components, and audits on behalf of the Director throughout the Agency, both at headquarters and in the field, and performing such other functions as may be prescribed by the Director. The position of the Inspector General is equivalent to that of a Deputy Director. The Inspector General shall have access to any information in CIA necessary to perform his assigned duties. In compliance with Executive Order 11905, dated 18 February 1976, the Inspector General will (provisions of the Executive Order are quoted in *italics*):

- (a) *Transmit to the Intelligence Oversight Board reports of any activities that come to his attention that raise questions of legality or propriety.*
- (b) *Report periodically, at least quarterly, to the Intelligence Oversight Board on his findings concerning questionable activities, if any.*
- (c) *Provide to the Intelligence Oversight Board all information requested about activities within the CIA.*
- (d) *Report to the Intelligence Oversight Board any occasion on which he was directed not to report any activity to the Board by the DCI.*
- (e) *Formulate practices and procedures designed to discover and report to the Intelligence Oversight Board activities that raise questions of legality or propriety.*

(2) INSPECTION STAFF. The Chief, Inspection Staff will:

- (a) Conduct periodic inspections of all CIA offices for compliance with CIA authority and regulations, as well as for effectiveness of their programs in implementing policy objectives; conduct unannounced inspections of any organizational component of CIA when it appears necessary.

STATINTL

☐ Approved For Release 2002/06/05 : CIA-RDP79-00498A000200100031-4

- (b) Survey and evaluate any problem area or subject called to his attention by CIA employees, by his own investigations, by the Director, or by the CIA Management Committee, or upon request of the responsible Deputy Director or Head of Independent Office, reporting his findings and conclusions as appropriate.
- (c) Provide a forum wherein CIA personnel may, on a highly confidential basis, confide grievances or complaints that have not received satisfactory consideration through normal channels of command. The Inspection Staff is empowered to accept direct appeals from employees when appropriate.
- (d) Investigate all reports from employees or other sources of possible violations of CIA's statutory authority.
- (e) Investigate charges and reports of fraud, misuse of funds, conflicts of interest, and other matters involving misfeasance, malfeasance, nonfeasance, or violation of trust. In all cases involving possible violations of the U.S. criminal code, the investigation will be limited to developing sufficient facts to determine if a crime has been committed, and whether prosecution may compromise international relations, national security, or foreign intelligence sources and methods. The results of such investigations will be reported to the General Counsel for further reporting to the Department of Justice. Reporting of the fact of a crime will not be delayed for an evaluation of whether prosecution will raise questions of national security, as outlined above. If both reports can be made at the same time without delay, they may be so reported.
- (f) Refer to the General Counsel all matters involving legal questions that come to the attention of the Inspector General.
- (g) Coordinate with the CIA Director of Equal Employment Opportunity concerning grievance cases arising under HR ☐ and HR ☐ that may present questions of overlapping responsibility.
- (h) Review with the General Counsel proposals for support of other government departments or agencies, under the provisions of HR ☐

(3) [No change]

ORGANIZATION

HN INCREASED RESPONSIBILITIES AND
AUTHORITY FOR THE INSPECTOR GENERAL

STATINTL

1. The Inspector General has been assigned additional duties and responsibilities as specified in a revision to Headquarters Regulation . In carrying out these increased responsibilities, the Inspector General periodically will review all components within Headquarters, throughout the United States, and overseas. These reviews are to ensure compliance with CIA's statutory authority and CIA regulations and to assess the effectiveness of CIA programs in implementing policy objectives. Special emphasis will be on CIA components whose operational requirements might involve questionable activities. The Inspector General also will investigate all reports from employees concerning possible violations of the CIA charter. The Inspector General shall have access to any information in CIA necessary to perform his assigned duties.

2. In compliance with Executive Order 11905, dated 18 February 1976, the Inspector General will report to the Intelligence Oversight Board any activities that come to his attention that raise questions of legality or propriety and his findings concerning such questionable activities. He also is responsible for formulating practices and procedures designed to discover and report to the Intelligence Oversight Board activities that raise questions of legality or propriety.

STATINTL

3. The Inspector General will continue to review employee grievances in accordance with the provisions of HR

STATINTL

George Bush
Director

STATINTL

ORGANIZATION

HR ☐

b. OFFICE OF GENERAL COUNSEL

- (1) Mission. The General Counsel is responsible for all legal matters arising in connection with the official business of the Agency. The General Counsel shall have access to any information in CIA necessary to perform his assigned duties. In compliance with Executive Order 11905 dated 18 February 1976, the General Counsel will (provisions of the Executive Order are quoted in italics):
 - (a) *Transmit to the Intelligence Oversight Board reports of any activities that come to his attention that raise questions of legality or propriety.*
 - (b) *Report periodically, at least quarterly, to the Intelligence Oversight Board on his findings concerning questionable activities, if any.*
 - (c) *Provide to the Intelligence Oversight Board all information requested about activities within the CIA.*
 - (d) *Report to the Intelligence Oversight Board any occasion on which he was directed not to report any activity to the Oversight Board by the DCI.*
 - (e) *Formulate practices and procedures designed to discover and report to the Intelligence Oversight Board activities that raise questions of legality or propriety.*
- (2) Functions. The General Counsel will:
 - (a) Act as adviser to the Director on legal matters.
 - (b) Advise and assist all officials and employees on legal matters arising in connection with the official business of the Agency including review of all contracts of interest to the Agency.
 - (c) Review all regulatory material of the Agency for legality prior to publication.
 - (d) Be responsible for and control all general liaison outside the Agency relating to legal matters.
 - (e) Maintain a panel of private attorneys who are cleared for use in connection with all Agency activities and be responsible for selections and use of private attorneys in respect to Agency matters for whatever purpose.

STATINTL

ORGANIZATION


HN

INCREASED RESPONSIBILITIES AND
AUTHORITY FOR THE GENERAL COUNSEL

STATINTL

1. Pursuant to Executive Order 11905, dated 18 February 1976, I have promulgated a revision of Headquarters Regulation , Office of General Counsel, to incorporate requirements that the General Counsel report to the Intelligence Oversight Board any activities that come to his attention that raise questions of legality or propriety, and to formulate practices and procedures designed to discover and report such activities.

2. Further, pursuant to that Order the General Counsel shall have access to any information in CIA necessary to perform his assigned duties.


George Bush
Director

MEMORANDUM FOR: All Employees

1. The President by Executive Order 11905, dated 18 February 1976, has established an Intelligence Oversight Board. The Oversight Board, composed of three members appointed by the President from outside the Government, receives and considers reports from Inspectors General and General Counsels of the Intelligence Community concerning activities that raise questions of legality or propriety. The Oversight Board also reviews periodically the practices, procedures, and internal guidelines of the Inspectors General and General Counsels that are designed to discover and report activities that raise such questions.

2. As Director of Central Intelligence, I also will be reporting periodically to the Intelligence Oversight Board on any activities of the Agency that raise questions of legality and propriety.

3. I ask every Agency employee to cooperate fully with the Intelligence Oversight Board.

George Bush
George Bush
Director

SECURITY

HN

REPORTING OF UNAUTHORIZED DISCLOSURES
RELATING TO INTELLIGENCE SOURCES AND METHODS

1. Executive Order 11905, dated 18 February 1976, provides that the names of persons found to have made or to have threatened unauthorized disclosure of information concerning intelligence sources or methods shall be forwarded to the Director of Central Intelligence or head of applicable department or agency for appropriate disciplinary action and to the Attorney General for appropriate legal action.

2. Agency personnel who have knowledge of unauthorized disclosure or threatened unauthorized disclosure of information concerning intelligence sources or methods should report such information to the Director of Security. The Director of Security, in coordination with the Inspector General, will investigate the allegation, evaluate the information and, if warranted, report the circumstances to the Director of Central Intelligence for appropriate action and to the General Counsel for legal review and for forwarding to the Attorney General.

PERSONNEL

HR ☐

STATINTL

51. PERSONNEL DETAILED TO OR FROM THE AGENCY

- a. POLICY (text omitted)
- b. DETAILED MILITARY PERSONNEL (text omitted)
- c. DETAILED CIVILIAN PERSONNEL (text omitted)
- d. AGENCY PERSONNEL DETAILED TO OTHER ESTABLISHMENTS (text omitted)
- e. AGENCY PERSONNEL UNDER COVER OF OTHER GOVERNMENT AGENCIES.
Agency personnel assigned to other government agencies for
cover purposes are not considered detailees.

1. RESTRICTIONS ON INTELLIGENCE ACTIVITIES

a. GENERAL.

- (1) The foreign intelligence activities of the United States, including the activities of the CIA, are restricted by Section 5 of Executive Order 11905* (41 Fed. Reg. 7703, 19 February 1976). Those restrictions and other provisions of the Executive Order are quoted in this regulation in italics. Footnotes marked by asterisks in this regulation reflect clarifying comments to the Executive Order provided by the Executive Office of the President on 10 March 1976. Nothing in the Executive Order authorizes any activity not previously authorized or provides exemption from any restrictions otherwise applicable. In addition this regulation reflects the findings and recommendations of the Commission on CIA Activities Within the United States as approved by the President, and incorporates instructions issued by the Director of Central Intelligence during the period August 1973 to date. Unless otherwise specified, the provisions of this regulation apply to activities both inside and outside the United States. References to law are to applicable laws of the United States. This regulation will not be amended without the approval of the Director.
- (2) To ensure that CIA activities are in compliance with the law, Deputy Directors and Heads of Independent Offices shall consult with the Office of General Counsel on all activities whose legality is not clearly established.
- (3) The Inspector General is authorized to review all activities undertaken by CIA and shall have access to any information in CIA necessary to perform his assigned duties. Any activities or proposed activities that may raise questions of compliance with the law, Executive Orders, or with CIA regulations or that otherwise appear improper will be brought directly to the attention of the Director by any of the organizational staff or command components.
- (4) No CIA activity or action by CIA employees shall be authorized which would abridge the Constitutional or legal rights of U.S. persons, whether in the United States or abroad.
- (5) Any employee who has knowledge of past, current or proposed CIA activities that might be construed to be illegal, improper, questionable, or outside CIA's legislative charter, applicable laws, or Executive Orders, or who believes that he or she has received instructions that

* Section 5 of the Order does not authorize any activity directly or indirectly, but rather establishes restrictions on already authorized activity. If any statutes, other executive orders or internal department or agency regulations placed stricter regulations on foreign intelligence agencies, Section 5 of this Order does not relax those restrictions.

in any way appear illegal, improper, questionable, or outside CIA's legislative charter, applicable laws, or Executive Orders, is instructed to inform the Director or Inspector General immediately.

- (6) Information, allegations, or complaints of violations of the criminal provisions of the United States Code by CIA officers and employees, or relating to CIA affairs, shall be reported immediately by any employee to the Inspector General, who shall inform the General Counsel. Information, allegations, or complaints of violations of Title 18 of the United States Code involving Government officers and employees shall be expeditiously reported to the Attorney General by the General Counsel in compliance with 28 U.S.C. 535. Such report to the Attorney General shall include an evaluation prepared by the Inspector General of the impact, if any, of a prosecution on the national security or on foreign relations of the United States, including intelligence operations which may be jeopardized or intelligence sources and methods which may be compromised thereby. CIA will not exercise a prosecutorial function. Further, the Director shall *report to the Attorney General that information which relates to detection or prevention of possible violations of law by any person, including an employee of the . . . department or agency.**
- (7) The provisions of any previously published CIA regulatory issuance inconsistent with the provisions of this regulation are superseded by this regulation.

b. **DEFINITIONS.** As used in Section 5 of Executive Order 11905 as quoted herein in italics, the following terms shall have the meanings ascribed to them below. (It should be noted that certain of these definitions have not been in common use in the Intelligence Community and may be applicable only to the paragraphs of this regulation that are in italics.)

- (1) "Collection" means any one or more of the gathering, analysis, dissemination, or storage of nonpublicly available information without the informed express consent of the subject of the information.
- (2) "Counterintelligence" means information concerning the protection of foreign intelligence or of national security information and its collection from detection or disclosure.
- (3) "Electronic surveillance" means acquisition of a nonpublic communication by electronic means, without the consent of a person who is a

* This provision requires that agency heads report to the Attorney General any information they may obtain which relates to the commission of federal crimes. It is not intended to authorize any new collection activities but is intended to allow appropriate dissemination of incidentally collected information which relates to crimes.

party to, or, in the case of a nonelectronic communication, visibly present at, the communication.*

- (4) "Employee" means a person employed by, assigned or detailed to, or acting for a United States foreign intelligence agency.
- (5) "Foreign intelligence" means information concerning the capabilities, intentions, and activities of any foreign power, or of any non-United States person, whether within or outside the United States, or concerning areas outside the United States.
- (6) "Foreign intelligence agency" means the Central Intelligence Agency, National Security Agency, and Defense Intelligence Agency; and further includes any other department or agency of the United States Government or component thereof while it is engaged in the collection of foreign intelligence or counterintelligence, but shall not include any such department, agency, or component thereof to the extent that it is engaged in its authorized civil or criminal law enforcement functions; nor shall it include in any case the Federal Bureau of Investigation.
- (7) "National security information" has the meaning ascribed to it in Executive Order No. 11652, as amended.
- (8) "Physical surveillance"*** means continuing visual observation by any means; or acquisition of a nonpublic communication by a person not a party thereto or visibly present thereat through any means which does not involve electronic surveillance.
- (9) "United States person" means United States citizens, aliens admitted to the United States for permanent residence, and corporations or other organizations incorporated or organized in the United States.

c. POLICY

- (1) RESTRICTIONS ON COLLECTION. Foreign intelligence agencies shall not engage in any of the following activities:

* The monitoring of a telephone conversation with the consent of one party does not constitute electronic surveillance under this definition. This is consistent with Title III of the Omnibus Crime Control and Safe Streets Act of 1968. Also, the recording of an ordinary oral conversation by someone who can be seen by both parties to it (and therefore can reasonably be expected to overhear it) does not constitute electronic surveillance.

** The definition of physical surveillance refers primarily to systematic observation of an individual designed to determine all of his regular daily activities. It also refers to the acquisition of an oral communication by a person not otherwise a party thereto or visibly present thereat through any means which does not involve electronic surveillance. This second half of the definition refers primarily to a situation where a person hides in a room to overhear what persons in the room are saying.

- (a) Physical surveillance directed against a United States person, unless it is a lawful surveillance conducted pursuant to procedures approved by the head of the foreign intelligence agency (see Annex A) and directed against any of the following:
- (1) A present or former employee of such agency, its present or former contractors or their present or former employees, for the purpose of protecting foreign intelligence or counterintelligence sources or methods or national security information from unauthorized disclosure; or
 - (2) a United States person, who is in contact with either such a present or former contractor or employee or with a non-United States person who is the subject of a foreign intelligence or counterintelligence inquiry, but only to the extent necessary to identify such United States person; or
 - (3) a United States person outside the United States who is reasonably believed to be acting on behalf of a foreign power or engaging in international terrorist or narcotics activities or activities threatening the national security.
- (b) Electronic surveillance to intercept a communication which is made from, or is intended by the sender to be received in, the United States, or directed against United States persons abroad, except lawful electronic surveillance under procedures approved by the Attorney General (see classified Annex B); provided, that the Central Intelligence Agency shall not perform electronic surveillance within the United States, except for the purpose of testing equipment under procedures approved by the Attorney General (see classified Annex B) consistent with law. If the CIA has a legitimate need for electronic surveillance within the United States, it may request the assistance of other agencies that have legal authority to perform such surveillance; the CIA may provide technical assistance for such surveillance. The OGC must be consulted in each instance.
- (c) Unconsented physical searches within the United States; or unconsented physical searches directed against United States persons abroad, except lawful searches under procedures approved by the Attorney General (see Annex C).
- (d) Opening of mail or examination of envelopes of mail in United States postal channels except in accordance with applicable statutes and regulations. To the limited extent that CIA may need mail cover information in furtherance of its legitimate activities, it shall make such requests of the FBI.

- (e) Examination of Federal tax returns or tax information except in accordance with applicable statutes and regulations. All requests for federal income tax information will be forwarded to the Office of General Counsel after approval by the appropriate Deputy Director. The Office of General Counsel will process the request in accordance with the Internal Revenue Code and U.S. Treasury regulations.
- (f) Infiltration or undisclosed participation within the United States in any organization for the purpose of reporting on or influencing its activities or members; except such infiltration or participation with respect to an organization composed primarily of non-United States persons which is reasonably believed to be acting on behalf of a foreign power.*
- (g) Collection of information, however acquired, concerning the domestic activities of United States persons except:
 - (1) Information concerning corporations or other commercial organizations which constitutes foreign intelligence or counterintelligence.
 - (2) Information concerning present or former employees, present or former contractors or their present or former employees, or applicants for any such employment or contracting, necessary to protect foreign intelligence or counterintelligence sources or methods or national security information from unauthorized disclosure; and the identity of persons in contact with the foregoing or with a non-United States person who is the subject of a foreign intelligence or

* This provision bars infiltration of groups within the U.S. for the purpose of collecting foreign intelligence or counterintelligence. It does not prohibit placement by a foreign intelligence agency of an individual in a group for the limited purpose of developing associations and credentials to be utilized in collecting foreign intelligence or counterintelligence outside of the United States. This provision contains an exception for organizations composed primarily of foreigners and reasonably believed to be acting on behalf of a foreign power. Information on such groups would constitute legitimate foreign intelligence and counterintelligence.

counterintelligence inquiry.* (Note, however, that Section 4(b)(8) of the Executive Order further provides that: "In order to maintain (the security of its intelligence activities, information and personnel), the CIA shall conduct such investigations of applicants, employees, and other persons with similar associations with the CIA as are necessary.") Only the Director or the Inspector General may approve investigation of allegations of unauthorized disclosure of classified information or intelligence sources and methods by United States persons presently or formerly affiliated with CIA. Such approval will be given only upon determination that classified information or intelligence sources and methods may be jeopardized by the disclosure and that the information relating to the unauthorized disclosure was acquired as a result of affiliation with CIA. Such investigations must be coordinated with the FBI when substantial evidence suggests espionage or the violation of a federal statute. The above does not preclude the Director from exercising his statutory authority to fulfill his responsibility for CIA's proper administration. In this regard the Director also may approve such inquiries as are necessary, proper, and legal to resolve allegations reflecting adversely on an employee's suitability for continued employment. When necessary for security reasons, investigations will be conducted without revealing CIA or U.S. Government interest. Such investigations will be conducted by federal government personnel. A record must be prepared for all investigations undertaken by CIA to reflect that the investigation was duly approved, by whom it was approved, the factual basis for undertaking the investigation, and the results of the investigation.

* This exception recognizes several appropriate activities of foreign intelligence agencies. In order to protect classified information, intelligence agencies must run security checks on applicants for employment and employees. Like any Government agency, these agencies must also check out employee backgrounds to ascertain their job suitability. Even after a person has left an intelligence agency, it has a legitimate need to maintain its records on that person should a security breach stemming from his employment occur. Similarly, each intelligence agency has an interest in the suitability and security worthiness of persons who contract with it or are employees of its contractors working on its projects and requiring access to classified information. Each intelligence agency must also maintain records on persons who, without necessarily being employed by it, are given access to its classified information. Such persons would include employees of other Government agencies who require access to its classified information and private citizens who voluntarily agree to be cleared to receive classified information in order to aid in their voluntary reporting of foreign intelligence information to the agency.

- (3) Information concerning persons who are reasonably believed to be potential sources or contacts, but only for the purpose of determining the suitability or credibility of such persons.
 - (4) Foreign intelligence or counterintelligence gathered abroad or from electronic surveillance conducted in compliance with subparagraph c(1)(b), or foreign intelligence acquired from cooperating sources in the United States.* The accumulation and use of names for this purpose will be limited to the foreign intelligence objectives of CIA.
 - (5) Information about a United States person who is reasonably believed to be acting on behalf of a foreign power or engaging in international terrorist or narcotics activities.
 - (6) Information concerning persons or activities that pose a clear threat to foreign intelligence agency facilities or personnel, provided, that such information is retained only by the foreign intelligence agency threatened and that proper coordination with the Federal Bureau of Investigation is accomplished.
- (2) DISSEMINATION AND STORAGE. Nothing in this paragraph shall prohibit:
- (a) Lawful dissemination to the appropriate law enforcement agencies of incidentally gathered information indicating involvement in activities which may be in violation of law.
 - (b) Storage of information required by law to be retained.
 - (c) Dissemination to foreign intelligence agencies of information of the subject matter types listed in subparagraph c(1)(g).
 - (d) Dissemination of foreign intelligence and foreign counterintelligence information directly to the interested federal agency. Dissemination of such information beneficial to local law enforcement agencies will be made only through the FBI.

* This provision recognizes that information on the domestic activities of U.S. individuals can constitute legitimate foreign intelligence or counterintelligence. For example, the fact that a U.S. citizen is recruiting mercenaries within the U.S. to fight in a foreign war constitutes foreign intelligence. Although counterintelligence normally involves either employees of an intelligence agency (of a foreign country) or persons acting on behalf of a foreign power, sometimes a U.S. person may be seeking to disclose national defense information. Therefore, foreign intelligence agencies are permitted to have such information. However, such information is not permitted to be collected by spying on Americans within this country. Such information may only be gathered abroad, or from electronic surveillance conducted through procedures approved by the Attorney General, or from cooperating sources in the United States.

- (3) *RESTRICTIONS ON EXPERIMENTATION. Foreign intelligence agencies shall not engage in experimentation with drugs on human subjects, except with the informed consent, in writing and witnessed by a disinterested third party, of each such human subject and in accordance with the guidelines issued by the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research. Experiments on subjects who have given informed consent will be undertaken only with the Director's specific approval.*
- (4) *ASSISTANCE TO LAW ENFORCEMENT AUTHORITIES*
- (a) *No foreign intelligence agency shall, except as expressly authorized by law (1) provide services, equipment, personnel, or facilities to the Law Enforcement Assistance Administration or to State or local police organizations of the United States or (2) participate in or fund any law enforcement activity within the United States.*
- (b) *These prohibitions shall not, however, preclude: (1) cooperation between a foreign intelligence agency and appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of the foreign intelligence agency or preventing espionage or other criminal activity related to foreign intelligence or counterintelligence or (2) provision of specialized equipment or technical knowledge for use by any other Federal department or agency.*
- (c) *The following relationships may be entered into to support legitimate activity of the CIA:*
- (1) *LEAA assistance may be requested through the Office of Security for evaluative information on equipment and techniques with respect to terrorist problems.*
- (2) *Contact may be maintained with and assistance sought from state and local police organizations in the course of normal background and security investigations, for the protection of CIA personnel and installations, and in connection with other matters permissible within the CIA charter.*
- (3) *Contact also may be maintained with police department bomb squads to observe their techniques in identifying, handling, and disarming terrorist bombs and to discuss technical aspects of countering explosive devices. The purpose will be to obtain information on bomb handling and not to train the local police departments.*

- (4) Attendance may be authorized at explosive ordnance disposal conferences and similar briefings or seminars to keep abreast of new developments in terrorist techniques and counter-measures.
- (5) It is appropriate for CIA to have individual relationships with state and local police organizations for cooperation in training CIA employees in the United States preparatory to their assignment abroad. It should be clearly indicated that this is a training relationship, and no assistance will be given to police organizations in the course of training CIA personnel.
- 25X1A (5) *ASSIGNMENT OF PERSONNEL.* An employee of a foreign intelligence agency detailed elsewhere within the Federal Government shall be responsible to the host agency and shall not report to such employee's parent agency on the affairs of the host agency, except as may be directed by the latter. The head of the host agency, and any successor, shall be informed of the detailee's association with the parent agency. (In accordance with [REDACTED], CIA personnel assigned to other government agencies for cover purposes, and liaison officers, are not considered detailees.)
- (6) *PROHIBITION OF ASSASSINATION.* No employee of the United States Government shall engage in, or conspire to engage in, political assassination.
- (7) *RELATIONS WITH FEDERAL, STATE, AND LOCAL AGENCIES.*
- (a) General. Each Deputy Director and Head of Independent Office is responsible for the propriety of all agreements, arrangements and practices under his jurisdiction in support of or in cooperation with state, local or other Federal agencies, or private organizations in connection with services these organizations provide to such government units. (See Annex E for procedures to obtain approval for CIA assistance to other government components.)
- (b) Support to Department of Defense (DoD) Intelligence Elements. CIA is authorized to provide technical guidance, training, equipment and similar assistance to DoD intelligence elements related to their appropriate foreign intelligence and foreign counterintelligence responsibilities provided such assistance is approved by the appropriate Deputy Director. Assistance also may be provided to DoD U.S.-based counterintelligence operations that are directed against foreign intelligence targets, provided such assistance has been approved by the Deputy Director for Operations and is in accord with the procedures specified by Annex D.

(c) Narcotics Intelligence.

- (1) Section 4(b)(3) of Executive Order 11905 provides that the Central Intelligence Agency shall "collect and produce intelligence on foreign aspects of international terrorist activities and traffic in narcotics." However, no CIA narcotics intelligence collection operations shall be specifically directed at individual U.S. persons abroad except as provided for in paragraph 1c(1)(a)(3) above. Information incidentally acquired in the course of normal foreign intelligence collection or of operations against foreign narcotics intelligence activities may be provided to the Drug Enforcement Administration (DEA) and other federal agencies. The general purpose of furnishing such information is for intelligence and not prosecutorial purposes.
- (2) Field installations shall alert headquarters as soon as it becomes apparent that an anti-narcotics operation or a report intended for formal dissemination has domestic U.S. implications or leads. Such information, including the identity of U.S. persons, may be given to DEA. The foreign operation as such shall remain, however, under CIA control.
- (3) CIA may provide technical equipment for overseas operations of DEA as approved by the Deputy Director for Operations. CIA will not provide any support to DEA domestic operations, except that CIA may give to DEA technical briefings unrelated to any pending investigation in the United States. Technical equipment for DEA operations abroad may be provided only under the following conditions:
 - (a) The equipment is not operated by CIA personnel.
 - (b) The request for support is accompanied by full explanation of the planned use of the equipment and of the authority under which it will be used.
 - (c) The request is approved by the Deputy Director for Operations with the concurrence of the Office of General Counsel.
- (d) CIA Participation in Interagency Domestic Intelligence Discussions. CIA participation in any interagency discussions on domestic intelligence will be restricted to the provision of foreign intelligence that might bear upon the matters being considered.
- (e) Limitations on Safehouses. CIA safehouses within the United States shall not be used by state or local agencies. Federal agencies may utilize such safehouses only on foreign related matters and then only with the approval of the Director.

- (f) Relations with the U.S. Postal Service. CIA may provide technical assistance to the U.S. Postal Service, such as briefing the service on CIA's knowledge of letter bombs. CIA will comply with all United States postal laws and regulations.
- (g) Relations with the U.S. Secret Service. CIA may provide assistance to the U.S. Secret Service in the performance of its protective duties in accordance with Public Law 90-331 dated 6 June 1968, which authorizes such assistance from other government agencies. In addition, other normal liaison relationships may be maintained between CIA and the Secret Service.
- (h) Relations with the Immigration and Naturalization Service. The entrance into or departure from the United States of non-U.S. persons under the sponsorship of CIA will be conducted in accordance with normal Immigration and Naturalization Service procedures or as provided for either in Section 7 of the CIA Act of 1949, as amended (50 U.S.C. 403h), or in the agreement between the Immigration and Naturalization Service and the CIA dated 10 February 1955. If special circumstances require that a non-U.S. person under sponsorship of CIA enter or leave the United States without using his true identity, the approval of the Immigration and Naturalization Service is required. In addition, other normal liaison relationships may be maintained between CIA and the Immigration and Naturalization Service.

(8) PROVISIONS RELATING TO OTHER ACTIVITIES.

- (a) Counterintelligence Activities. CIA is authorized to engage in counterintelligence activities in conformity with requirements of law and National Security Council directives, including certain services of common concern as specified in NSCID 5, paragraph 3.
 - (1) With respect to counterintelligence activities in the United States, CIA must conform with procedures specified by the Attorney General (see Annex D).
 - (2) With respect to counterintelligence activities conducted abroad, CIA operations directed specifically at United States persons will conform to paragraphs 1c(1)(b) and (c) above and will be coordinated with the FBI and/or with other federal agencies as appropriate.
- (b) Polygraphing of United States Persons. CIA internal polygraphing programs authorize polygraph examinations of U.S. persons and are restricted to CIA applicants, employees, individuals being considered for or holding CIA security clearances or approvals, or other persons involved in CIA operations. Polygraph examinations of other U.S. persons will be conducted only with their consent and only with the prior written approval of the Director.

- (c) Foreign Economic Activities of U.S. Persons. No operational or analysis project will be undertaken specifically to cover the foreign economic activities of a U.S. person. This restriction would not preclude studies of foreign economic activities that include analyses of the roles of U.S. firms, for example: foreign demand for U.S. grain; U.S. technology transfer to the USSR; foreign discrimination against U.S. firms; and studies evaluating the importance of the U.S. in worldwide economic activities, such as shipping and energy. To the extent that information on the economic activities of U.S. citizens or firms abroad is incidentally acquired in the course of CIA's normal foreign intelligence activities and is significant to other U.S. agencies, it may be forwarded to such agencies with the approval of the Deputy Director concerned.
- (d) Cover. Cover as established, coordinated with, or arranged by the Cover and Commercial Staff is appropriate support for our foreign intelligence objectives. To the degree that cover and proprietary arrangements are required, a clear justification will be developed as to the relationship to and support of CIA's mission.
- (e) Proprietary Arrangements. The operations and development of essential proprietary arrangements will be conducted as necessary to perform the functions and duties of the Central Intelligence Agency. CIA proprietary companies shall not operate on a commercially competitive basis with United States businesses, except to the extent necessary to establish commercial credibility or to achieve the clearly defined foreign intelligence objectives outlined in Executive Order 11905, Section 4(b), paragraphs (1) through (9). No investments by a proprietary company will be made on the basis of any substantive intelligence obtained from CIA.
- (f) Cover for Other Agencies. CIA shall not provide cover for other Government agencies except as approved by the Deputy Director for Operations or his designated representative, Chief, Cover and Commercial Staff, as stipulated in HR
- (g) Identity Documentation. The Deputy Director for Operations in consultation with the Office of General Counsel shall strictly control the issuance, accountability and recovering of identity documentation procured or produced by CIA for its operations or in response to requests from other agencies.

STATINTL

- (h) Domestic Events. All Deputy Directors shall exhibit particular sensitivity to the possible coincidence between CIA training, testing, operational, or support activities and significant domestic political, or other events which the unwitting observer could interpret as improper Agency activity. This refers particularly to political conventions, the activities of dissident groups, etc., in which cases CIA activities should be terminated, moved away, or suspended temporarily.
- (i) Support to the White House Office. Any support requested by or extended to the White House Office, excluding the dissemination of foreign intelligence, must have the prior approval of the Director.
- (j) Target Watchlists. No list shall be developed as a target watchlist on American citizens.
- (k) Foreign Radio Broadcasts. Monitoring of foreign radio broadcasts which include statements by United States persons is permissible when such activity is an incidental aspect of coverage of foreign radio broadcasts.
- (l) Correspondents and Representatives of Public Media. CIA will not enter into any paid or contractual relationship with any full-time or part-time news correspondent accredited by any U.S. news service, newspaper, periodical, radio or television network or station. CIA recognizes that members of this group may wish to provide information to the CIA on matters of foreign intelligence of interest to the U.S. Government. The CIA will continue to welcome information volunteered by such individuals.
- (m) Clergymen and Missionaries. In light of the special Constitutional concern with church-state relationships, CIA shall establish no secret, paid or unpaid, contractual relationship with any American clergyman or missionary. This restriction applies to any person whether or not ordained who is sent out by a mission or church organization to preach, teach, heal, or proselyte. In addition, American church groups will not be funded nor used as funding cutouts for CIA purposes. The CIA will, however, continue to welcome information volunteered by American clergymen or missionaries. If, in the determination of a senior Agency official, such individuals might possess important foreign intelligence information, the Agency might initiate contact so as to afford an opportunity for channeling this information to the Government. Such initiatives, however, shall not be taken abroad.

STATINTL

Approved For Release 2002/06/05 : CIA-RDP79-00498A000200100031-4

HR ☐

ANNEX A

PROCEDURES RELATING TO PHYSICAL SURVEILLANCE

STATINTL

Physical surveillance procedures approved by the DCI and applicable to ☐ field, and Headquarters, are:

1. Within the United States the prior approval of either the Deputy Director for Operations or the Deputy Director for Administration is required before undertaking physical surveillance of a United States person except for emergency situations where surveillance is undertaken to identify a United States person in contact with a non-United States person who is the subject of a foreign intelligence or counterintelligence inquiry.
2. Where time permits, the prior approval of the Deputy Director for Operations is required before undertaking any physical surveillance of a United States person outside the United States. Any request for such surveillance must include a statement of the reason why surveillance is believed justified under the Executive Order.
3. Where time does not permit, Chiefs of Station may authorize initiation of surveillance but must report such action by an immediate cable with the justification for such action under the terms of the Executive Order.

Surveillance initiated for emergency situations must be reported promptly to Headquarters.

25X1A

Approved For Release 2002/06/05 : CIA-RDP79-00498A000200100031-4

Next 2 Page(s) In Document Exempt

Approved For Release 2002/06/05 : CIA-RDP79-00498A000200100031-4

STATINTL

HR ☐

ANNEX D

PROCEDURES RELATING TO COUNTERINTELLIGENCE
ACTIVITIES IN THE UNITED STATES

Procedures approved by the Attorney General relating to CIA counterintelligence procedures are:

1. "CIA may request the Attorney General to approve CIA counterintelligence activities, in coordination with the FBI, within the United States. Such request shall be forwarded through the FBI and shall include: the target of the counterintelligence activity to be conducted by CIA; the information or object which is sought to be obtained or accomplished; the reasons why the CIA rather than the FBI should conduct the activities; and the views of CIA as to why the National Security Act of 1947 does not prohibit such activity in the United States. The FBI shall submit such requests to the Attorney General with its comments and recommendations."
2. "Any FBI request for CIA participation in counterintelligence activity conducted by the FBI shall be submitted to the Director of Central Intelligence. If approved by him, the process for Attorney General approval set forth above will then be followed."

STATINTL

HR ☐

ANNEX E

PROCEDURES TO OBTAIN APPROVAL FOR CIA ASSISTANCE
TO OTHER GOVERNMENT COMPONENTS

- (1) Each responsible official will report to his Deputy Director or Head of Independent Office for approval every request for initiation or continuation of assistance to other government components excluding requests:
 - (a) Concerning activities explicitly authorized by NSCIDs, DCIDs, or by paragraphs 1c(7)(b) through (h) of this regulation;
 - (b) For permission for third agency dissemination;
 - (c) For preparation or passage of information, analyses of information, or reports concerning foreign phenomena, including foreign personalities;
 - (d) For security clearances and related information under Executive Order 10450 or Executive Order 10865;
 - (e) For employment references.
- (2) Reports relating to requests for initiation or continuation of support or cooperation as noted above will cover administrative, financial or logistical assistance, as well as operational and intelligence support. Such reports will include a description of the activity, relevant dates, organization(s) involved, rationale for activity, financial and manpower requirements and name of Agency employee to consult for additional information. Every such request which includes a prospective financial commitment by the Agency or which will entitle the Agency to an advance or reimbursement must be referred to the Director of Finance for consideration before final commitment is made. A copy of every request (including requests approved by the Inspector General under the provisions of subparagraph (3) below) relating to an activity which will involve either the receipt or expenditure of funds will be provided to the Director of Finance.
- (3) Deputy Directors and Heads of Independent Offices, in assuring the propriety of all undertakings covered by this regulation, will exercise approval authority on requests with which they concur for any new or continuing relationship compatible with relationships for which legality and propriety have been previously established, except requests for activities, undertakings or agreements that will involve policy or resource implications such as:

- (a) Undertakings that would establish significant new policy or raise questions that suggest the desirability of establishing an Agency-wide policy;
- (b) Agreements that contain provisions that must be cleared with, or reported to, the Office of Management and Budget;
- (c) Activities that appear to be in conflict, or overlap with, other existing agreements or understandings with high level officials of other U.S. Government agencies.
- (d) Arrangements of such complexity, sensitivity, or importance that the Director of Central Intelligence should be informed of them;
- (e) Undertakings of such magnitude that reprogramming or reallocation of funds will be required;
- (f) Arrangements which while technically appropriate may appear to conflict with the spirit of existing law or policy.

Deputy Directors and Heads of Independent Offices will forward to the Inspector General any report with which they concur involving an undertaking of a character for which no precedent of legality or propriety has been established or which involves policy or resource implications such as those identified above. The Inspector General, after requesting and receiving the written opinion of the General Counsel, will recommend initiation, continuation, termination or modification of the activity as he may deem appropriate. Where there is disagreement by the Deputy Director, the Inspector General or the General Counsel, the report will be forwarded to the Director for resolution.

STATINTL

Approved For Release 2002/06/05 : CIA-RDP79-00498A000200100031-4

Approved For Release 2002/06/05 : CIA-RDP79-00498A000200100031-4